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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE:

DAWN K WARMAN
7724 HUNTERS TRAIL
WEST CHESTER, OH 45069

CASE NO. 17-13071
(CHAPTER 13)
JUDGE BETH A. BUCHANAN

Debtor

CHAPTER 13 TRUSTEE'S
MOTION TO DISMISS

Now comes Margaret A. Burks, Standing Chapter 13 Trustee, and requests that the Court dismiss this case for FAILURE to make plan payments. 11 U.S.C Sections 1307(c)(4)and(6).

MEMORANDUM

Debtor payments to the Trustee are in default.

The Trustee requests that she be permitted to disburse funds in her possession pursuant to the confirmed plan, minus administrative costs, or if pre confirmation, that Trustee shall disburse funds in her possession to Debtor minus administrative costs. Any funds received after the entry of the Order of Dismissal shall be returned to Debtor.

The Trustee respectfully requests that the motion be granted.

Respectfully submitted,

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.
Chapter 13 Trustee
Attorney No. OH 0030377

Francis J. DiCesare, Esq.
Staff Attorney
Attorney No. OH 0038798

Karolina F. Perr, Esq.
Staff Attorney
Attorney Reg No. OH 0066193

600 Vine Street, Suite 2200
Cincinnati, OH 45202
(513) 621-4488
(513) 621 2643 (Facsimile)
fdicesare@cinn13.org
kperr@cinn13.org
mburks@cinn13.org - Correspondence only

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on February 20, 2018 addressed to:

Debtor's Attorney:
ZINGARELLI LAW OFFICE, LLC
810 SYCAMORE STREET
THIRD FLOOR
CINCINNATI, OH 45202

Debtor(s):
DAWN K WARMAN
7724 HUNTERS TRAIL
WEST CHESTER, OH 45069

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.

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Debtor

NOTICE OF MOTION TO DISMISS

The Chapter 13 Trustee, Margaret A. Burks, has filed papers with the Court to dismiss your case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in this motion, then on or before twenty-one (21) days from the date set forth in the certificate of service for the motion, you or your attorney must:

File with the Court a response explaining your position by mailing your response by regular U.S. Mail to the address below OR your attorney must file a response using the court's ECF system. The Court must receive your response on or before the above date.

U.S. BANKRUPTCY COURT
ATRIUM II, SUITE 800
221 EAST 4TH STREET
CINCINNATI, OH 45202

You must also mail a copy to:

MARGARET A BURKS, TRUSTEE
CHAPTER 13 TRUSTEE
600 VINE, SUITE 2200
CINCINNATI, OH 45202

U.S. TRUSTEE
36 EAST 7TH ST.
SUITE 2030
CINCINNATI, OH 45202

Debtor's Attorney:
ZINGARELLI LAW OFFICE, LLC
810 SYCAMORE STREET
THIRD FLOOR
CINCINNATI, OH 45202

Debtor(s):
DAWN K WARMAN
7724 HUNTERS TRAIL
WEST CHESTER, OH 45069

The Court will send you a separate notice if it sets a hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

Date: February 20, 2018

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.